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STATE DEPT FOR EUR/NCE - BILL SILKWORTH  
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TAGS: [PREL](#) [PGOV](#) [MD](#) [RO](#)  
SUBJECT: MOLDOVAN-ROMANIAN DIFFERENCES OVER SIGNING BASIC  
TREATY, BORDER AND VISA REGIMES

Classified By: CDA Mark Taplin for Reasons 1.4 (b) & (d).

11. (C) Summary: In a June 5 meeting with Deputy NSA J. D. Crouch, Moldovan President Voronin sought U.S. assistance in encouraging Romania to sign a "Basic Treaty" with Moldova. The question of concluding a basic treaty between the two countries is a long-standing one that is fraught with domestic political sensitivities as well as cultural and historical complications. In this latest surfacing of the issue, Moldovan Ambassador to Romania Lidia Gutu tacitly acknowledged in a follow-up meeting with Ambassador Taubman on June 8 that Moldova hopes to get Romanian agreement to a basic treaty as a pre-condition for signing separate border and visa bilateral agreements which are already close to having been successfully negotiated. Meanwhile, Romanian government officials insist that Chisinau has sent "conflicting signals" in recent months on any possible linkage, even as they play down the political and historical sensitivities that have bedeviled earlier efforts to bring into force a basic treaty. We would welcome input from colleagues at Embassy Chisinau as well as guidance from colleagues in Washington on how we can work constructively to help these two neighboring states, astride the NATO and -- imminently -- EU border, to avoid unnecessarily complicating a bilateral relationship that has been on a marked upswing. End Summary.

12. (C) During Moldovan President Vladimir Voronin's June 5 bilateral meeting with Deputy NSA J. D. Crouch, Voronin complained that Romania has yet to sign a basic treaty with Moldova. The Moldovan president argued that what he characterized as the failure of the Romanian side to come to terms on a "Treaty for Partnership and Cooperation" provided ammunition to the Tiraspol separatists and their Moscow patrons to resist the reassertion of Moldovan control over the Transnistrian region. For her part, Moldovan Ambassador to Romania Lidia Gutu argued in a separate meeting with the Ambassador that Romania has signed such treaties with Ukraine in 2003 and Russia in 2004, but has yet to formalize its recognition of an independent Moldova in a basic treaty. She pointed out that the Transnistrians and "others," presumably their Russian backers, use the argument that the lack of a basic treaty between Moldova and Romania is evidence that Romanian-Moldovan integration is still possible in the future.

13. (C) In the course of the June 8 meeting, Gutu acknowledged that Moldova had first linked signature of the bilateral border and visa agreements with conclusion of a basic treaty during a February visit to Chisinau by Romanian FM Razvan Ungureanu, and subsequently on the occasion of Gutu's presentation of credentials in Bucharest in April. She claimed that Ungureanu had raised the idea of Chisinau signing an equivalent basic agreement with the EU rather than

with Romania, an idea that she labeled as unacceptable because it would not contain responsibilities for Romania; only a bilateral treaty would do. Chisinau reportedly sent a revised draft of the basic treaty to the Romanian MFA in May 2006, based on an earlier version of the agreement that was initialed by the two sides in 2000 but never ratified by the two countries' parliaments. Gutu asserted Romania was reluctant to sign and had tried to avoid discussing a basic treaty at every turn. She argued that Moldova would never be able to conclude a basic treaty with Romania if it did not happen this year, i.e. before Romania's anticipated accession into the EU on January 1, 2007. Gutu said it was Voronin's idea to try to enlist U.S. support to influence Romania to sign the treaty.

¶4. (C) In an informal response, the Ambassador emphasized to Gutu that the U.S. is interested in promoting good relations between neighboring states in this region, not in seeing borders shut down to commerce and exchanges because necessary agreements have not been signed. He mentioned that some might ask whether signing the border and visa agreements ahead of the basic treaty might not be a more practical approach, since negotiating and concluding a basic treaty would take time, and certainly would not be possible before January 1, 2007. He also commented that it was striking that, by its own account, Moldova had only recently brought to the attention of the Romanian side its expectation that successful conclusion of a basic treaty would have to precede signing of the nearly complete bilateral agreements on visas and borders. Gutu argued, however, that "any agreement signed without having a basic treaty in force would not be recognized internationally." She suggested that moving ahead on the border and visa agreements without an umbrella agreement would be "juridically not valuable" and "subject to cancellation at any time."

¶5. (C) Romanian officials involved in these issues seemed perplexed by the latest state of play on the Moldovan side, if not overly worried. On June 7, Romanian MFA Director General for Legal Affairs, Cosmin Dinescu, who heads the Romanian negotiating effort on the Border Regime Agreement with Moldova, explained that two rounds of negotiations had been held so far: the first in January in Chisinau, and the second in May in Bucharest. The Romanian side was awaiting an invitation for a third round in Chisinau. Dinescu thought at most "two or three" more rounds would be necessary to come to agreement, as only "technical details" remained to be resolved. A signing ceremony and then ratification would follow, perhaps with much effort as early as this fall, but more likely in the second half of 2007. (Note: As a reference, the Ukrainian-Romanian Treaty took 17 rounds of negotiations. End note.) Dinescu characterized the agreement as 90-95% complete and said there were no complicated issues, just remaining details such as how to actually mark the border, how to designate a border along the meandering Prut River, and how to repatriate people or animals that unwittingly cross the border.

¶6. (C) Dinescu said that the Romanian-Moldovan frontier has long been established since the same border marked the Soviet Union's border with Romania. He said this was unlike the Moldovan-Ukrainian treaty, which fixed a previously unclear border between two post-Soviet successor states. Dinescu commented on how this treaty, on occasion, has been perceived by Moldovans and others as having a political angle to it, but he insisted that Romania had repeatedly stated that it had no territorial ambitions towards Moldova and no disagreement with Moldova over their internationally recognized mutual border.

¶7. (C) According to Romanian MFA Director for Moldova Dan Iancu, the Moldovan experts involved in the border agreement negotiations did not appear to have a political mandate to negotiate. Instead, they just told the Romanian side their position and served as messengers who had to present proposals to their supervisors. Iancu said the Moldovans were currently "reconfiguring their reply" to Romanian proposals

and that "a lot depends on how Moldovan leaders see it." Iancu said the Moldovans were not ready to compromise on some issues, in part because of restrictions in Moldovan law. For example, according to Iancu, the Moldovan delegation did not have the same flexibility as Romania on establishing a border on water, which could change course according to floods. He said this preoccupation reflects some fears in Chisinau toward Moldova's other neighbor, Ukraine.

¶8. (C) On the separate visa agreement, Iancu said the draft had been agreed in Bucharest at the experts level. Moldovan negotiators now had to submit the draft to the political level in Chisinau.

¶9. (C) Iancu did not wish to speculate when the agreements would be signed. He said Romania has had "good and not so good experience with the Moldovans on signing papers." He did not think it should be much of a problem -- a matter of months rather than years. In particular, he said the separate visa agreement "must be in place before November in order to be in effect on January 1." Iancu mentioned two or three documents on mutual assistance and cooperation on the border that remain to be signed. Neither Iancu nor Dinescu seemed to be aware of any active Moldovan effort to sign a basic treaty ahead of the other agreements with which they have been engaged during the past year.

¶10. (C) Comment: Based on our limited interactions here in Bucharest, the Moldovans seem to be pressing for U.S. help in landing a Romanian signature on a basic treaty, and to make that happen before the end of this year. That would seem to be an unrealistic objective in light of the past interactions between the two countries on this subject. In April 2000, Moldova and Romania had actually reached the point at which their two foreign ministers were able to initial a draft agreement. That version, however, soon ran afoul of thorny historical and linguistic issues that were difficult to manage on the domestic political front. Bucharest, for instance, wanted explicit reference to the 1939 Molotov-Ribbentrop pact that had led to the annexation of Bessarabia and northern Bukovina, and resisted formulations that gave credence to the existence of a distinct "Moldovan" vice Romanian language. In the end, the treaty draft was never ratified. Meanwhile, our working level Romanian interlocutors still seem blissfully unaware that getting to closure on the visa and border regime agreements before Romania's EU accession may be in jeopardy. We leave it to

our colleagues in Chisinau to speculate over Voronin's motives in taking this tack at this time. However, in light of the diplomatic challenges that Moldova and the international community face in resolving the Transnistria situation, unnecessary distractions in the relationship between Romania and Moldova, which now straddle the NATO and EU fault line, are clearly not in anyone's interest. It may be necessary for the U.S. and our European partners to try to nudge both sides towards a more constructive approach. On the other hand, there are plenty of reasons to be cautious before setting out on this bumpy terrain of conflicting historical sagas and national agendas. End Comment.

¶11. Amembassy Bucharest's reporting telegrams are available on the Bucharest SIPRNet website:  
[www.state.sgov.gov/p/eur/bucharest](http://www.state.sgov.gov/p/eur/bucharest)  
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